

## **EXHIBIT 73**

# **SECOND MAO DECLARATION PLAINTIFFS' MOTION FOR CLASS CERTIFICATION**

## **MATERIAL SOUGHT TO BE SEALED**

16 | Page | MAHOGANY CONFIDENTIAL ATTORNEYS ONLY

18 | VIDEOTAPED DEPOSITION OF ERIC MIRAGLIA

\*VIA REMOTE COUNSEL VIDEOCONFERENCE\*

TUESDAY, OCTOBER 25, 2022

21 VOLUME I

22

23 STENOGRAPHICALLY REPORTED BY:

24 MEGAN F. ALVAREZ, RPR, CSR No. 12470

25 | JOB NO. 5545552; PAGES 1 - 243

1 saying that 'collect' equals 'associate directly 11:21:58  
2 with your GAIA and durably store in footprints.'" 11:22:01  
3 Do you see that? 11:22:06  
4 A. I do. 11:22:06  
5 Q. And then do you see where you wrote: "The 11:22:07  
6 data sources pulled into sWAA, however, are all 11:22:10  
7 'collected' one way or another already, whether it 11:22:12  
8 be via Chrome Sync or ads, cookies/profiles or 11:22:17  
9 on-device local storage." 11:22:22  
10 Do you see that? 11:22:25  
11 A. I do. 11:22:26  
12 Q. And then if you go up in the e-mail, do 11:22:30  
13 you see there's an e-mail from Jonathan McPhie? 11:22:32  
14 A. I do. 11:22:37  
15 Q. And do you see where he wrote: "+1 to 11:22:40  
16 what Greg said. Our definition of 'collect' is more 11:22:42  
17 like 'stored' and can apply to things like local 11:22:46  
18 Chrome history storage or storage of activity 11:22:50  
19 against a pseudonymous identifier. From that 11:22:53  
20 perspective, sWAA and CB2 is more about moving data 11:22:59  
21 around and not about 'collecting' more data." 11:23:03  
22 Do you see that? 11:23:08  
23 A. I do. 11:23:08  
24 Q. Do you agree with the statements that 11:23:09  
25 Mr. McPhie expressed in this particular e-mail? 11:23:11

1	MR. HUR: Objection. Compound. Vague.	11:23:15
2	Foundation.	11:23:19
3	THE WITNESS: Alex, you're referring	11:23:33
4	specifically to the Jonathan McPhie 7:06 p.m.,	11:23:35
5	June 9th e-mail?	11:23:40
6	BY MR. FRAWLEY:	11:23:42
7	Q. Yes, exactly.	11:23:42
8	A. Yes, I agree with -- I agree with that.	11:24:03
9	Q. Can you tell me, what is a pseudonymous	11:24:16
10	identifier?	11:24:25
11	A. A pseudonymous identifier -- and I'm going	11:24:25
12	to speak to you not as an engineer but as a product	11:24:35
13	manager context -- is at least semi-stable	11:24:39
14	identifier that can be used to link activity in a	11:24:42
15	session of some duration.	11:24:47
16	Q. Is pseudonymous different from anonymous?	11:24:53
17	MR. HUR: Objection. Calls for	11:25:02
18	speculation. Lacks foundation.	11:25:02
19	THE WITNESS: I would just share with you	11:25:06
20	my understanding. We're talking about technical	11:25:09
21	terms, and some of them have very different	11:25:11
22	contexts, have very specific definitions.	11:25:13
23	But, generally speaking, we would use	11:25:18
24	"anonymous" to refer to data that cannot be tied to	11:25:21
25	a data subject whereas pseudonymous data, in some	11:25:29

1 cases, may be. 11:25:36

2 BY MR. FRAWLEY: 11:25:37

3 Q. How might, in some cases, pseudonymous 11:25:37

4 data be tied to a subject? 11:25:41

5 MR. HUR: Objection. Foundation. Calls 11:25:44

6 for speculation. 11:25:45

7 THE WITNESS: Pseudonymous data doesn't -- 11:25:59

8 again, at a very high level, very high level of 11:25:59

9 understanding for me. Pseudonymity is usually -- 11:26:02

10 usually referring to data that has not been 11:26:07

11 mathematically anonymized. And so there's always at 11:26:10

12 least the hypothetical possibility of 11:26:14

13 reidentification. 11:26:25

14 BY MR. FRAWLEY: 11:26:26

15 Q. If you know, when SWAA is off, would 11:26:27

16 Google store that data with pseudonymous 11:26:32

17 identifiers? 11:26:35

18 MR. HUR: Objection. Lacks foundation. 11:26:39

19 Vague. 11:26:39

20 THE WITNESS: Alex, at the very least, I 11:26:48

21 would have to say that it depends. And let me give 11:26:53

22 you one example. 11:26:58

23 Chrome -- Chrome Sync data would be stored 11:27:01

24 to GAIA even if SWAA was off. SWAA would then just 11:27:06

25 control the use of that data, if that makes sense. 11:27:13

1 BY MR. FRAWLEY: 11:27:16

2 Q. And how does SWAA exactly control how the 11:27:48

3 data is used? 11:27:52

4 MR. HUR: Objection. Vague. Foundation. 11:27:54

5 THE WITNESS: If I have Chrome Sync turned 11:28:06

6 on -- let me qualify and just say a high-level 11:28:09

7 understanding evolves over time as Chrome evolves. 11:28:12

8 I'm giving you my -- my understanding sitting here. 11:28:16

9 Chrome Sync allows me to sync bookmarks 11:28:19

10 and history across different instances of Chrome, so 11:28:22

11 Chrome on my phone, Chrome on my laptop. 11:28:26

12 If SWAA is off, that data stays with 11:28:31

13 Chrome in terms of the way it's stored against my 11:28:34

14 GAIA. Supplemental Web & App Activity would allow, 11:28:38

15 for example, discover feed and search to use that 11:28:41

16 data to give me a better discover feed. 11:28:44

17 BY MR. FRAWLEY: 11:28:52

18 Q. Do you recall testifying earlier that a 11:28:53

19 pseudonymous identifier can be used to link activity 11:28:56

20 in a session of some duration? 11:28:57

21 A. Yes. 11:29:00

22 Q. So does linking activity have anything to 11:29:04

23 do with conversions? 11:29:08

24 MR. HUR: Objection. Vague. Foundation. 11:29:11

25 Calls for speculation. 11:29:12

1	THE WITNESS: Alex, I'm not sure I	11:29:26
2	understand your question.	11:29:27
3	BY MR. FRAWLEY:	11:29:29
4	Q. Sure. Let me ask an initial question	11:29:29
5	first.	11:29:31
6	Are you familiar with the concept of	11:29:32
7	conversions?	11:29:36
8	A. By "conversions," I'm -- I'm inferring	11:29:42
9	that you're -- that you're referencing like an ad	11:29:44
10	conversion in an advertising context.	11:29:49
11	Q. Exactly, yes. Thank you. I appreciate	11:29:52
12	that.	11:29:53
13	A. Okay. Yes, at a high level, I am familiar	11:29:54
14	with that.	11:29:57
15	Q. Can you -- can you just summarize your	11:29:58
16	high-level understanding of advertising conversions?	11:30:02
17	A. At a high level, "ad conversion" refers to	11:30:07
18	tracking, whether a user acted on an advertisement,	11:30:11
19	tapped on to it, whatever.	11:30:15
20	Q. And these advertising conversions can	11:30:20
21	happen both on the Web and within apps; is that	11:30:22
22	correct?	11:30:26
23	MR. HUR: Objection. Compound. Vague.	11:30:27
24	THE WITNESS: Yes.	11:30:34
25	/ / /	

1 BY MR. FRAWLEY: 11:30:34

2 Q. And in -- does Google ever use 11:30:38

3 pseudonymous data to track conversions? 11:30:42

4 MR. HUR: Objection. Lacks foundation. 11:30:46

5 Calls for speculation. 11:30:47

6 THE WITNESS: I want to begin by just 11:31:03

7 being clear again. I'm not an expert on our ad 11:31:06

8 systems. And they're -- there are -- well, I'll 11:31:09

9 answer the question within that qualification. 11:31:13

10 My understanding is that yes, pseudonymous 11:31:18

11 identifiers are used for that purpose in some cases. 11:31:21

12 BY MR. FRAWLEY: 11:31:25

13 Q. And is that true in the context of mobile 11:31:25

14 apps as well as Web? 11:31:28

15 MR. HUR: Objection. Foundation. Calls 11:31:31

16 for speculation. Vague. 11:31:32

17 THE WITNESS: Well, referencing my prior 11:31:43

18 qualification about all of this, to the best of my 11:31:48

19 understanding, yes. 11:31:51

20 BY MR. FRAWLEY: 11:31:52

21 Q. Can you, in this e-mail, look at the last 11:31:52

22 page? 11:32:02

23 A. Yes. 11:32:09

24 Q. And do you recall that Jens Mueller is -- 11:32:10

25 is referencing some comment by -- by some David, 11:32:15

1	right?	11:32:18
2	A. Yes.	11:32:19
3	Q. And whoever that David was, we don't know	11:32:20
4	exactly who it was, but that David said: "We are	11:32:22
5	not collecting new types of data."	11:32:25
6	Do you see that?	11:32:27
7	MR. HUR: Objection.	11:32:30
8	THE WITNESS: I do.	11:32:30
9	MR. HUR: Foundation. Object to the	11:32:32
10	premise of the question, that it calls for	11:32:34
11	speculation.	11:32:36
12	Obviously he can see what's on the page.	11:32:39
13	BY MR. FRAWLEY:	11:32:42
14	Q. And then do you see where it continues:	11:32:42
15	"And it's our position in consent bump that we're	11:32:43
16	not collecting new data for any particular user.	11:32:46
17	Before consent bump, some of the data for a user was	11:32:50
18	collected within their Google account and some of it	11:32:54
19	was collected outside of their Google account."	11:32:56
20	Do you see that?	11:33:00
21	A. I do.	11:33:00
22	Q. How might data be collected outside of the	11:33:01
23	Google account?	11:33:03
24	MR. HUR: Objection. Foundation. Calls	11:33:04
25	for speculation. Vague.	11:33:05